20110510120726001

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
कलम ३७(२) अन्वये बृहन्मुंबई विकास नियंत्रण नियमावली १९९१ च्या नियम क्र.३३(१०) मध्ये फेरबदलाबाबतची अधिसूचना

महाराष्ट्र शासन
नगर विकास विभाग,
शासन अधिसूचना क्र. डिसीआर-१०९५/१२०९/सीआर-५/२०११/नवि-११,
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक :२७ एप्रिल, २०११

शासन निर्णय:- सोबतची अधिसूचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(राजेंद्र हाबडे)
अवर सचिव, महाराष्ट्र शासन

प्रति,

१) महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण.
२) महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
३) प्रधान सचिव, गृहविभाग विभाग, मंत्रालय, मुंबई
४) मुख्य कार्यकारी अधिकारी, झोपडपट्टी पुनवर्सन प्राधिकरण वांद्रे (पूर्व)
५) संचालक, नगररचना, महाराष्ट्र राज्य, पुणे.
६) उपसंचालक, नगररचना, बृहन्मुंबई, मुंबई
७) उप सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई
८) प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई
९) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई
(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येऊन त्यांच्या ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय, मुंबई -३२ व उप संचालक, नगररचना, बृहन्मुंबई, मुंबई यांना पाठविण्यांत याव्यात.)
१०) कक्ष अधिकारी, (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई
(त्यांना विनंती करण्यांत येते की, सोबतची अधिसुचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी)
११) निवडनस्ती (नवि-११)
१२) सेक्शन ३७ फाईल.

****

Letter August

Regulation 33(10) of Development Control Regulations for Greater Mumbai.

Sanction of Modification under section 37(2) of Maharashtra Regional and Town Planning Act.

NOTIFICATION

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.
dated the 21st April, 2011.

No. DCR 1095/1209/CR-5/2011 /UD-11:

Whereas, the Government of Maharashtra vide Notification of [illegible] Department No. DCR-1090/RDP/UD-11, dated 20th February, [illegible] sanctioned the Development Control Regulations for Greater Mumbai [illegible] (hereinafter referred to as "the said Regulations") under section 31 of [illegible] Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred [illegible] "the said Act") to come into force with effect from 25th March, 1991;

And whereas, Government of Maharashtra vide Notification of [illegible] and Special Assistance Department No. SRP 1095/CR-37/Housing [illegible] 16th December, 1995 had appointed "Slum Rehabilitation [illegible] (hereinafter referred to as "the said Authority") under Maharashtra [illegible] Act, 1971, which bears the status of Planning Authority for the [illegible] slum rehabilitation in Brihan Mumbai;

And whereas, the Government of Maharashtra vide Notification of [illegible] Department No. DCR 1095/1209/CR-273/95/UD-11, dated 15th October [illegible] which appeared in Maharashtra Government Gazette, dated 15th October [illegible] at page 104 to 133-A has sanctioned the modification [illegible] Regulations [illegible] of the said Regulations for effective implementation [illegible] Rehabilitation Scheme which came into force with effect from 15th [illegible] 1997;

And whereas, the Government of Maharashtra [illegible] Development Department No.DCR 1095/1209/CR-[illegible] [illegible]/2002 has further modified Regulation 33(10) under [illegible] said Act. (hereinafter referred to as "the said modified [illegible]

And whereas, Joint Metropolitan Commissioner and [illegible] Mumbai Urban Transport Project (MTUP) informed the Government [illegible] Development Department vide its letter No. JPD(SD&LA)/67 dated [illegible] under Mumbai Urban Transport Project (MUTP) Policy the resettlement [illegible] required to be done under the R&R Policy (hereinafter referred [illegible] policy") as prescribed by the World Bank and approved by the Government [illegible] Maharashtra under Government Resolution [illegible] [illegible]

2 dated 12/12/2000 which covers all the PAPs enumerated during the Baseline Socio-Economic Survey (BSES) that were based on the land before the date of completion of baseline survey and the cut off date in this case is the date of completion of BSES.

And whereas, it is also informed that the Resettlement & Rehabilitation Policy is different from the Slum Rehabilitation Policy being implemented by Government of Maharashtra, as the said Policy is based on the Baseline Socio-Economic Survey (BSES) and the cut off date is the date of completion of survey. Further, the area from where the affected people are to be resettled, are basically from the lands affected by infrastructure project, while in other cases the PAPs are resettled from the slum areas which are notified as slum area under the Slum Areas Act, 1971

And whereas, in view of the facts and circumstances as aforesaid, it does not appear necessary to fill up the format of Annexure-II which contains details like name of slum pocket, area of the slum Sr. No. in the Electoral Roll etc. and further requested to issue directives under section 154 of the said Act to accept the list of project affected persons under Mumbai Urban Transport Project (MUTP), submitted by the project Director, MUTP as eligible for alternate accommodation for Slum Rehabilitation Project under clause 3.11 of the said modified regulation.

And whereas, after considering all the above facts and circumstances and the fact that MUTP is an important project implemented with the help of World Bank Government find its necessary to further modify the said modified regulation;

And whereas, the said Authority has been empowered to initiate modification of any part of, or any proposal made in the final Development Plan under the provisions of sub-section (1-B) of section 37 of the said Act and to submit the same to the Government for final sanction;

And whereas, the State Government had issued directives on 26/8/2007 to the said Authority under section 37(1) along with section 154 of the said Act to submit proposal to modify provision of Regulation No. 33(10) after completing the procedure laid down under section 37(1) of the said Ac;

And whereas, the said Authority, after following the procedure laid down under section 37 of the said Act, inviting suggestions/objections from general public and after considering the suggestions/objections received, also giving hearing to concerned persons, has submitted the modification proposal (hereinafter referred to as "the said modification proposal") to Government for sanction vide its letter dated 26th May, 2010;

And whereas, the Government, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune is of the opinion that it is necessary to sanction the said modification proposal;

Now, therefore in exercise of the powers conferred under sub-section (2) of section 37 of the said Act the Government hereby –

A) Sanction the modification proposal as described below:

SCHEDULE

The following proviso is added to clause 3 [illegible] of Appendix [illegible] Regulation No.33(10) of Development Control Regulations for G[illegible] 1991.

"Provided [illegible], notwithstanding anything contained above, [illegible] affected persons under Mumbai Urban Transport Project (MUTP) being resettled as per the provisions contained in Government Resolution, Housing and Special Assistance Department No. [illegible] 700/CR-31/Slum-2 dated 12.12.2000 and [illegible] by the Project Director, MUTP will also be eligible [illegible] redevelopment scheme under 33(10) of the Development [illegible] Regulations for Greater Mumbai, 199[illegible] as amended from [illegible] time".

(B) Fixes the date on which the said modification is published [illegible] official gazette, as the date on which modification shall come [illegible] force;

By order and in the name of the Governor of Maharashtra,

(Rajendra [illegible])
Under Secretary to Government